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Frist: NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

From the INTERNATIONAL BUREAU

To:

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Applicant's or agent's file reference

P0047 WO

IMPORTANT NOTIFICATION

International application No.

PCT/DE2004/002743

International filing date (day/month/year)

15 December 2004 (15.12.2004)

Applicant

ARVATO STORAGE MEDIA GMBH et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

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The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P0047 WO	FOR FURTHER ACTION See Form PCT/ISA/416	
International application No. PCT/DE2004/002743	International filing date (day/month/year) 15.12.2004	Priority date (day/month/year) 23.12.2003
International Patent Classification (IPC) or national classification and IPC G06F1/00		
Applicant ARVATO STORAGE MEDIA GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carriage(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/1:E2004/002743

Box No. I- Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-7 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-7 _____ as originally filed/furnished

nos.* _____ as amended (together with an statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2-2/2 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
1. Statement	
Novelty (N)	Claims <u>1-7</u> YES
	Claims _____ NO
Inventive step (IS)	Claims <u>1-7</u> YES
	Claims _____ NO
Industrial applicability (IA)	Claims <u>1-7</u> YES
	Claims _____ NO
2. Citations and explanations (Rule 70.7)	
1	Reference is made to the following documents: D1: SCHECHTER E S ET AL: "Trusted Computing, Peer-To-Peer Distribution, and the Economics of Pirated Entertainment" 29 May 2003 (2003-05-29), ANNUAL WORKSHOP ON ECONOMICS AND INFORMATION SECURITY, XP002299690 D2: US 2003/233455 A1 (LEBER MIKE ET AL) 18 December 2003 (2003-12-18)
2	Document D1 is considered the closest prior art and discloses (the references between parentheses refer to that document) a method (section 3.2) for protecting a file containing proprietary content against unauthorised duplication by means of file sharing between remote computers that are connected to an Internet exchange service ("peer-to-peer network"), which makes available the file comprising the proprietary content and metadata consisting, <i>inter alia</i> , of a hash ID ("fingerprint", "hash") and, for example, the title ("labelling Song").

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

The subject matter of independent claim 1 differs therefrom in that:
in the method as per D1, the files are protected by the dissemination of bogus files, whilst in the application the files are made available in the form of randomly stored data sets and bogus data sets with the hash ID of a correct data set are disseminated.

- 2.1 The subject matter of claim 1 is thus novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of improving protection.

It is obvious to a person skilled in the art to make the file available in the form of randomly stored data sets (see, for example, D2 [0033]).

- 2.2 The solution to the above problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

In D1, in addition to a file, a second bogus file with supposedly the same content is offered, although the hashes of the two files are different. After a few attempts, it is relatively easy for the user to exclude the bogus files and download the correct ones. In the proposed method, altered data sets of a file with the original hash ID are offered. In that method it

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

is not possible to tell the difference between correct data sets and bogus data sets prior to downloading of the data set, this applying not only to the first time, but to every attempt.

D1 does not disclose the combination of specified features and nor is such a combination obvious from any of the documents cited in the search report.

- 2.3 Claims 2-7 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.